

WARWICKSHIRE ANTI-SOCIAL BEHAVIOUR (ASB) CASE REVIEW PROCEDURE

1. Background

The Anti-social Behaviour, Crime and Policing Act 2014 (the Act) requires relevant bodies in a local government area to have an Anti-social Behaviour (ASB) Case Review procedure.

In March 2023 the Home Office published revised [guidance on the ASB Case Review](#) along with [statutory guidance on ASB powers](#).

The guidance states the relevant bodies and responsible authorities who undertake Case Reviews are councils, police, Integrated Care Boards and registered providers of social housing who are co-opted into local arrangements.

Relevant bodies must work together to devise and agree the procedure for the ASB Case Review, and each body must publish details of the procedure, so victims know how to apply.

2. Definition of Anti-social Behaviour

For the purposes of an ASB Case review, anti-social behaviour is defined under [s105\(4\) of the Act](#) as “behaviour causing harassment, alarm or distress to members or any member of the public”.

This definition relates specifically to ASB Case Reviews.

The term 'harassment, alarm or distress' is not defined by the Act, therefore the words should be given their ordinary meaning;

- harassment, means to subject someone to constant and repeated physical and / or verbal persecution;
- alarm, means a frightened anticipation of danger and;
- distress, means to cause trouble, pain, anguish or hardship.

3. Purpose of the ASB Case Review

The Case Review gives victims of persistent antisocial behaviour reported to any of the main responsible agencies (the council, police, registered social landlord) the right to request a multi-agency Case Review where a local threshold is met. It allows the victim's voice to be heard in terms of the impact the anti-social behaviour has had on them.

The Case Review takes a problem solving approach to ongoing anti-social behaviour through sharing information and using the knowledge and expertise of partner organisations.

Receiving an ASB Case Review application should not be perceived by agencies as a complaint about their work but as an opportunity to find a solution for the victim(s) of the anti-social behaviour.



The primary objective is not to check that policies and procedures have been adhered to, or to apportion blame, rather to consider whether anything further can be done to bring an end to the ASB and/or harm being caused to the victim

Victims can request an ASB Case Review if they feel their complaints of anti-social behaviour (ASB) have not resulted in meaningful coordinated action to bring an end to that behaviour. The Case Review offers a 'safety net' for victims and helps to avoid individuals being passed between agencies without a resolution.

4. Who can apply for a Case Review?

A victim of anti-social behaviour or another person acting on behalf of the victim with his or her consent, such as a carer or family member, Member of Parliament, local councillor or other professional. The victim may be an individual, a business or a community group.

Anonymous applications will not be considered as agencies require applicant details to validate incidents referred to in the application. Applicants should be reassured that their details will not be shared with any alleged perpetrators of the anti-social behaviour.

5. ASB Case Review Procedure in Warwickshire

The following procedure details the actions taken in Warwickshire when a victim of anti-social behaviour requests a Case Review.

Each District and Borough Council (D&B) are the lead agency for their local authority area. The D&Bs manage the case review procedure for their area on behalf of the local responsible agencies, and have put in place a Single Point of Contact (SPOC) route in order to receive Case Review applications in the first instance.

5.1 How to instigate the ASB Case Review

A request for a Case Review is made by completing an online form / downloading a Case Review application form on the website of their local District or Borough Council, or by telephoning, or emailing / writing to their local District or Borough Council. **See Appendix 1 for details on how applications to each D&B can be made.**

The ASB Case Review procedure is not a complaints process and if an individual is unhappy with a service they have received from an agency they should consider making a formal complaint by contacting the organisation directly. If the individual is not satisfied with how that organisation has dealt with their formal complaint then contact can be made with the relevant Ombudsman or other oversight body to instigate any relevant appeal process that may be available. Making a formal complaint to an agency does not preclude the option to also request an ASB Case Review, as long as the threshold criteria is met.

5.2 Acknowledging Receipt of the ASB Case Review Application

Within 5 working days of receiving an application the D&B SPOC should acknowledge receipt in writing and explain to the applicant what will happen next.

5.3 ASB Case Review Threshold

To be able to request an ASB Case Review there must have been at least three 'qualifying complaints' of anti-social behaviour reported to the council, police and/or housing provider. In order to be 'qualifying' each report must:

- have been made in the last six month period
- be a separate instance of anti-social behaviour
- be related/connected to the other qualifying complaints
- have been reported within one month of the alleged behaviour taking place
- have been witnessed by the applicant, or by a person for whom the applicant is acting on behalf of and who has given their permission to be so represented

The threshold of three qualifying incidents relates only to whether the incidents were reported as set out above, not whether the agency responded.

Where an application for an ASB Case Review is received and at least three qualifying complaints have been made, the threshold is met and the relevant bodies have a duty to undertake the ASB Case Review.

Agencies must have adequate time to respond to a report of ASB and take meaningful action. Therefore a Case Review application will not be accepted, even where there are three qualifying reports, where the date of the request is close to the date of the third ASB incident report.

5.3.1 Other Determining Factors to Consider

Consideration may be given to accepting applications that do not meet the qualifying threshold, for example where only two qualifying complaints have been made in the previous six months, or where there is evidence of the anti-social behaviour being motivated by hate. In such cases, regard shall be had to:

- the persistence of the anti-social behaviour; and
- the harm or potential harm caused by the anti-social behaviour; and
- the adequacy of the response to the anti-social behaviour.

When deciding whether the threshold is met, agencies should consider the cumulative effect of the incidents rather than assess each separate incident in isolation. **See also section 5.3.3. in relation to Risk Assessment.**

5.3.2 Repeat Applications for a Case Review

Subject to the guidance in this section, applicants can make a further request for a Case Review if there have been a 'new set' of three qualifying complaints. A further review has the same purpose identified in section 3.

Before making a request for another Case Review, applicants should seek an update on actions from the previous review from the D&B SPOC. If a Case Review action plan is still being implemented and a subsequent Case Review application is received relating to the same ASB issue, the panel may decide that the undertaking of another Case Review at that time may not be necessary. A decision on the necessity to undertake a further review will only be made following consideration and risk assessment of the further incidents that have taken place in order to establish that they:

- form part of the same series of persistent anti-social behaviour
- do not raise additional concern about a prevailing or increasing level of risk
- do not present new information or new evidence that renders activity in the existing action plan as no longer suitable
- do not raise concern that activity under the current action plan is ineffective

Where it is clear that undertaking a further Case Review will likely result in the same actions being identified from the previous review, agencies must be given time to implement those actions, and a further review may not be necessary. **See also 5.4.1 Timescales** – in relation to incidents reported while Case Review underway.

Managing the expectations of applicants and informing them of action taken in response to their concerns are key to helping prevent repeat applications.

If the relevant bodies who attended a previous Case Review Meeting believe an Applicant is being unreasonably persistent the Applicant may be informed in reference to the most appropriate relevant bodies' unreasonably persistent complainants policy.

5.3.3 Risk Assessment

The harm, or potential harm caused to the victim is an important consideration in determining whether the threshold is met because the more vulnerable will be less resilient to anti-social behaviour.

Victims vulnerabilities will be risk assessed as part of the decision as to whether the threshold is met and assist in judging an appropriate response.

Where the victim is considered to be particularly vulnerable, the relevant bodies should consider whether additional practical and emotional support can be offered to the victim.

Although housing-related ASB has a lower test of nuisance or annoyance for an injunction under [Part 1 of the 2014 Act](#), in such instances because of the victim's inability to separate themselves from the anti-social behaviour, the harm experienced may result in harassment, alarm or distress for the purposes of the ASB Case Review. Agencies may consider a victim to be more vulnerable and therefore assessed as higher risk if they are experiencing persistent housing-related ASB.

5.3.4 Decision on Whether Threshold Has Been Met

When an ASB Case Review is requested, agencies must decide whether the threshold has been met and communicate this to the applicant. This is a collective decision and not the individual responsibility of the D&B SPOC. Liaison by the D&B SPOC with relevant agencies could be via a meeting or by phone or email.

If the agencies decide that the threshold is not met, formal procedures will not be followed but there may be an opportunity for the relevant bodies to look at the case to determine if anything further can be done. Any further advice or support available will be shared when the victim is informed that the threshold was not met.

5.3.5 Informing Applicant if Threshold Has Been Met

The D&B SPOC informs the applicant if the threshold has been met for a Case Review to be undertaken and explains the next steps. If the threshold has not been met the SPOC sends response letter explaining why.

5.4 ASB Case Review Meeting

If the threshold has been met the Case Review will be undertaken via an appropriate local partnership forum (for example a local problem solving meeting, case management meeting, CSP meeting, or specific Case Review panel meeting). The organisations involved should submit/prepare information for the Case Review which should include the involvement they have had with the victim and the case which will help discussions at the case review meeting. Failure to submit information will be included as part of the review findings.

The council, police, registered social landlord and, if relevant, representatives from health services and Youth Offending Service share information about the case, consider whether any new relevant information needs to be obtained and review previous actions taken. They agree if further actions can be put in place to resolve the issue. These actions will be developed into an action plan including timescales for each action, with consideration to how the plan will be monitored.

Victims will be given the opportunity to share information about how the anti-social behaviour has affected them and their household. The victim can attend part of the meeting in person or send an advocate or provide a written/video statement.

If the perpetrator is under 18, Warwickshire Youth Justice Service should be invited to attend. If the victim has health related vulnerabilities a health partner should be involved who may contribute via a written statement or documentation.

The SPOC will provide a formal written response to the applicant, and where further actions are necessary the action plan will be discussed with the applicant/victim.

5.4.1 Timescales

Agencies will endeavour to complete the Case Review and provide a response to the applicant within 6 weeks from acknowledging receipt of the application. However, more complex cases may take longer to complete. Applicants should be kept informed on the expected timescales of their application.

Where further incidents are reported during the period of time that the Case Review is being undertaken, the agencies need to ensure these are included as part of the review process (providing they are qualifying complaints). The applicant should be updated in this regard, to negate the need for a further Case Review application in relation to those incidents.

5.4.2 Independence in the Case Review Process

Agencies will consider whether the case review meeting should be chaired by an appropriately trained independent lead. Where most of the agency representatives have been involved in a particular case, consideration will be given to involving somebody independent in the review to provide an external or fresh perspective on the case and the action that has been taken. For example a Community Safety officer from another District or Borough. This is at the discretion of the case review panel and decided on a case by case basis.

6. Appeal

The procedure must include a process for the applicant to appeal if they are dissatisfied with the way in which the Case Review was carried out or with the decision on whether the threshold was met.

In Warwickshire any resident dissatisfied with either of these aspects of the Case Review can make an appeal to the Office of the Police & Crime Commissioner for Warwickshire (OPCC). The appeal should be made in writing within 28 working days of receiving the outcome of the review.

More [details on how to appeal](#) can be found on the Office of the Police and Crime Commissioner for Warwickshire website.

7. Annual Publication of Case Review figures

Relevant bodies have a duty to publish specified data on the ASB Case Review at least every twelve months. The following information will be made available on District & Borough Council websites.

- Number of applications received for ASB case review
- Number of times the threshold for review was not met
- Number of ASB case reviews carried out
- Number of ASB case reviews carried out that resulted in recommendations being made

8. Revision of the ASB Case Review Procedures

The Warwickshire procedure will be reviewed on an on-going basis linked to any learning from each case review. As a minimum it will be reviewed annually by all relevant partners, including the PCC who should be consulted when the procedure is reviewed (as stated in the [statutory guidance on ASB Powers](#)).

Warwickshire Anti-Social Behaviour Case Review Procedure

5 Working Days

Application made for Case Review

- Applications submitted online, via telephone or in writing - Case Review application received by District / Borough Council's (D&B) Single Point of Contact (SPOC)
- Partner agencies forward all case review applications to the nominated lead agency's SPOC for the area

Acknowledge Receipt of Application

- Within 5 working days of receiving application the D&B SPOC should formally acknowledge receipt of the application and explain to applicant what will happen next.

30 Working Days

Threshold Decision

- SPOC liaises with relevant bodies to agree if threshold met.
- Collective decision made by responsible bodies (not SPOC alone)
- SPOC informs applicant if threshold met. If threshold not met SPOC sends response letter explaining why and what happens next.

Case Review Carried Out

- If threshold met relevant bodies carry out case review together.
- SPOC convenes a Case Review meeting involving key relevant bodies. Relevant bodies should submit/prepare case information for the review.
- The victim can be invited to attend relevant meetings to give them the opportunity to express the impact the ASB has had on their lives.

Applicant Informed of Case Review Outcome

- The applicant receives a formal written response on the Case Review.
- Where further action is necessary, relevant bodies agree an action plan which should be discussed with the applicant/victim, including timescales

6 weeks

Appeal

- Within 28 working days of receiving the formal response an appeal can be made in writing to the Office of the Police & Crime Commissioner for Warwickshire (OPCC)
- The appeal will be carried out by the OPCC within 6 weeks depending on complexity of the appeal



APPENDIX 1 – Details on how to make a Case Review application to each District & Borough Council

- North Warwickshire Borough Council

[Anti Social Behaviour \(ASB\) Case Review | North Warwickshire Community Safety Partnership | North Warwickshire Borough Council \(northwarks.gov.uk\)](#)

- Nuneaton & Bedworth Borough Council

[ASB Case Review | Anti-social behaviour | Nuneaton and Bedworth Borough Council](#)

- Rugby Borough Council

[Anti-social behaviour case reviews - Rugby Borough Council](#)

- Stratford on Avon District Council

[ASB Case Review | Stratford-on-Avon District Council](#)

- Warwick District Council

[Anti-social behaviour - Warwick District Council \(warwickdc.gov.uk\)](#)



Appendix 2 Support Organisations

ASB Help

Provides information and advice for victims experiencing anti-social Behaviour.

<https://asbhelp.co.uk/>

Victim Support

Provides information and advice - <https://www.victimsupport.org.uk/crime-info/types-crime/antisocial-behaviour/>

Victim Support (Warwickshire) - <https://www.victimsupport.org.uk/resources/warwickshire/>

Mediation and Community Support

Provides support with neighbour disputes and community conflicts

<https://www.mediationsupport.org.uk/>

Resolve

Helps organisations to deal with community safety and ASB issues through training, support, guidance and sharing best practice but also has useful information for individuals.

<https://www.resolveuk.org.uk/asb>